

Docket No.  
118.003

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### **ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH**

the specification of which

(check one)

is attached hereto.

was filed on \_\_\_\_\_ as United States Application No. or PCT International Application Number \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

#### Priority Not Claimed

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/770,336	Jan. 26, 2001	pending
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

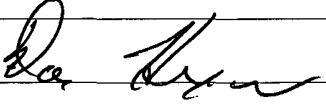
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

**Irving M. Fishman, Reg. No. 30,258**

Send Correspondence to: **Irving M. Fishman  
89 Headquarters Plaza  
North Tower, Suite 1422  
Morristown, NJ 07960**

Direct Telephone Calls to: (*name and telephone number*)  
**Irving M. Fishman at 973-285-1548**

Full name of sole or first inventor <b>Don L. Hexamer</b>	Sole or first inventor's signature 	Date <b>22303</b>
Residence <b>6142 Royalton Drive, Dallas, Texas 75230</b>		
Citizenship <b>United States of America</b>		
Post Office Address <b>Same</b>		

Full name of second inventor, if any		
Second inventor's signature	Date	
Residence		
Citizenship		
Post Office Address		

<b>VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS - SMALL BUSINESS CONCERN</b>				Docket No. 118.003
Serial No.	Filing Date <b>Concurrently Herewith</b>	Patent No.	Issue Date	
Applicant/ <b>Don L. Hexamer</b> Patentee:				
Invention: <b>ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH</b>				
<p>I hereby declare that I am:</p> <p><input checked="" type="checkbox"/> the owner of the small business concern identified below:  <input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p> <p>NAME OF CONCERN: <u>Shamrock Products</u>  ADDRESS OF CONCERN: <u>6142 Royalton Drive, Dallas Texas 75230</u></p> <p>I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR part 121 and 37 CFR 1.27(a)(2) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p> <p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:</p> <p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above.  <input type="checkbox"/> the application identified above.  <input type="checkbox"/> the patent identified above.</p> <p>If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small entity person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).</p>				

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern or organization exists.  
 each such person, concern or organization is listed below.

FULL NAME	<u>Mario Guralnik</u>		
ADDRESS	<u>c/o MediCina LLC 266 Johnson Avenue, Teaneck, NJ, 07666</u>		
	<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME			
ADDRESS			
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME			
ADDRESS			
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization
FULL NAME			
ADDRESS			
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization

Separate verified statements are recommended from each named person, concern or organization having rights to the invention averring to their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:	<u>Don Hexamer</u>	
TITLE OF PERSON SIGNING		
OTHER THAN OWNER:		
ADDRESS OF PERSON SIGNING:	<u>Shamrock Products 6142 Royalton Drive Dallas, Texas 75230</u>	

SIGNATURE:  DATE: 7-23-03

**VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS - INDEPENDENT INVENTOR**

Docket No.  
**118.002**

Serial No.	Filing Date <b>Concurrently Herewith</b>	Patent No.	Issue Date
Applicant/ <b>Don L. Hexamer</b> Patentee:			
Invention: <b>ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH</b>			

As a below named inventor, I hereby declare that I qualify as a small entity person as defined in 37 CFR 1.27(a)(1) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:

- the specification to be filed herewith.
- the application identified above.
- the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person, small business concern, or nonprofit organization who could not be classified as a small entity under section 41(a) and (b) of Title 35, United States Code.

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- No such person, concern or organization exists.
- Each such person, concern or organization is listed below.

\*NOTE: Separate verified statements are recommended from each named person, concern or organization having rights to the invention averring to their status as small entities.

FULL NAME Shamrock Products

ADDRESS 6142 Royalton Drive, Dallas Texas 75230

Individual       Small Business Concern       Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Individual       Small Business Concern       Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Don L. Hexamer



DATE:

7-23-03

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE:

\_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE:

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NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

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NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE:

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NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE:

\_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE:

\_\_\_\_\_

**VERIFIED STATEMENT BY A NON-INVENTOR SUPPORTING  
A CLAIM BY ANOTHER FOR SMALL ENTITY STATUS**

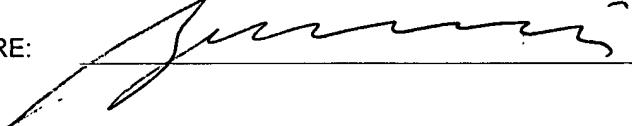
Docket No.  
**118.003**

Serial No.	Filing Date <b>Concurrently Herewith</b>	Patent No.	Issue Date
<p>Applicant/ Patentee: <b>Don L. Hexamer</b></p> <p>Invention: <b>ANTIFUNGAL COMPOSITIONS AND METHODS OF TREATMENT THEREWITH</b></p>			
<p>I hereby declare that I am making this verified statement to support a claim by <b>Don L. Hexamer</b> for small entity status for purposes of paying reduced fees to the United States Patent and Trademark Office, regarding the invention described in:</p> <p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above.</p> <p><input type="checkbox"/> the application identified above.</p> <p><input type="checkbox"/> the patent identified above.</p> <p>I hereby declare that I would qualify as a small entity person as defined in 37 CFR 1.27(a)(1) for purposes of paying fees to the United States Patent and Trademark Office, if I had made the above identified invention.</p> <p>I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as a small entity person under 37 CFR 1.27(a)(1) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3). Note: Separate verified statements are recommended from each person, concern or organization having rights to the invention averring to their status as small entities.</p> <p>Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:</p> <p><input checked="" type="checkbox"/> no such person, concern, or organization exists.</p> <p><input type="checkbox"/> each such person, concern or organization is listed below.</p> <p>FULL NAME _____ ADDRESS _____</p> <p><input type="checkbox"/> Individual      <input type="checkbox"/> Small Business Concern      <input type="checkbox"/> Nonprofit Organization</p> <p>FULL NAME _____ ADDRESS _____</p> <p><input type="checkbox"/> Individual      <input type="checkbox"/> Small Business Concern      <input type="checkbox"/> Nonprofit Organization</p> <p>FULL NAME _____ ADDRESS _____</p> <p><input type="checkbox"/> Individual      <input type="checkbox"/> Small Business Concern      <input type="checkbox"/> Nonprofit Organization</p> <p>FULL NAME _____ ADDRESS _____</p> <p><input type="checkbox"/> Individual      <input type="checkbox"/> Small Business Concern      <input type="checkbox"/> Nonprofit Organization</p>			

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Mario Guralnik  
TITLE IN ORGANIZATION: President  
ADDRESS OF PERSON SIGNING: c/o MediCina LLC  
266 Johnson Avenue  
teaneck, NJ 07666

SIGNATURE:  DATE: 7-25-03